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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Michael Ernest Garrett
S/N: 10/699,131
Filed: October 31, 2003
For: METHOD OF FILLING AND SEALING
Atty. Dkt.: 98B112 (CIP2)

Art Unit: 3721

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence and every writing referred to herein as being enclosed is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 7, 2005.
(Date)

Betty Lee
Printed name of person signing this certificate

Betty Lee
Signature of person mailing

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47 (b)

Dear Sir:

In response to the DECISION REFUSING STATUS UNDER 37 CFR 1.47 (b), Applicant respectfully requests reconsideration in light of the attached Declaration, Power of Attorney, and form of Assignment.

Applicant filed a Petition on August 30, 2004, whereby it petitioned the Office for entry of a Declaration with a non-signing inventor, Michael Garrett. At the time of Petition, Applicant had not been able to obtain the signature of Mr. Garrett who had suffered a stroke earlier as alleged in the Petition papers filed in August 2004.

However, Applicant has been able to obtain Mr. Garrett's signatures on the three aforementioned documents. Therefore, Applicant is withdrawing its Petition to have a Declaration submitted with a non-signing inventor as the signature has now been successfully obtained.

Serial No. 10/699,131


Atty. Dkt. 98B112 (CIP2)

Accordingly, Applicants respectfully request withdrawal of the Petition and entry of the enclosed Declaration, Power of Attorney and Assignment form.

Should any question arise during reconsideration of this Action, the Petitions Branch is invited to call the undersigned.

Date: FEBRUARY 7, 2005
The BOC Group, Inc.
Legal Services-Intellectual Property
575 Mountain Ave.
Murray Hill, NJ 07974

Respectfully submitted,


Philip H. Von Neida
Attorney for Applicant
Reg. No. 34,942
908-771-6402

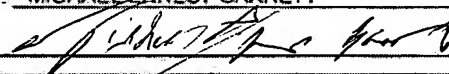
Enclosures

PVN:bjl



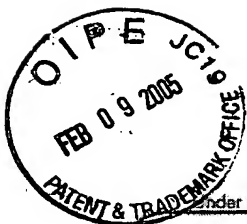
DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	METHOD OF FILLING AND SEALING
As the below named inventor(s), I/we declare that:	
This declaration is directed to:	
<input type="checkbox"/> The attached application, or	
<input checked="" type="checkbox"/> Application No. <u>10/699,131</u> , filed on <u>10-31-2003</u>	
<input type="checkbox"/> as amended on _____ (if applicable);	
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;	
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;	
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.	
All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.	

FULL NAME OF INVENTOR(S)	
Inventor one: <u>MICHAEL ERNEST GARRETT</u>	
Signature: <u></u>	Citizen of: <u>United Kingdom</u>
Inventor two: _____	
Signature: _____	Citizen of: _____
Inventor three: _____	
Signature: _____	Citizen of: _____
Inventor four: _____	
Signature: _____	Citizen of: _____
<input type="checkbox"/> Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/81 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/699,131
Filing Date	October 31, 2003
First Named Inventor	MICHAEL ERNEST GARRETT
Title	METHOD OF FILLING AND SEALING
Art Unit	3721
Examiner Name	
Attorney Docket Number	98B112 (CIP2)

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Joshua L. Cohen	34,307
Philip H. Von Neida	34,942
Ira Lee Zebrak	31,147

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	The BOC Group, Inc.		
Address	Legal Services-Intellectual Property		
Address	575 Mountain Ave.		
City	Murray Hill	State	NJ
Country	USA	Zip	07974
Telephone	908-771-6402	Fax	908-771-6159

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

SIGNATURE of Applicant or Assignee of Record

Name	Michael Ernest Garrett		
Signature			
Date	4th February 2005	Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ASSIGNMENT

WHEREAS, I/We, Michael Ernest Garrett, a citizen of/ citizens of the United Kingdom, residing at 92 York Road, Woking, Surrey GU22 7XR, England, have invented certain new and useful improvements in METHOD OF FILLING AND SEALING for which I/We have made application for Letters Patent of the United States, which application may be identified in the United States Patent and Trademark Office as Serial No. 10/699,131, filed October 31, 2003; which application claims priority from US Patent Application 09/718,856, filed November 22, 2000, which application is a continuation-in-part of US Patent Application 09/283,551, filed April 1, 1999; and,

WHEREAS, The BOC Group plc, an English Company of Chertsey Road, Windlesham, Surrey GU20 6HJ, England, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me/us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I/WE, the said Michael Ernest Garrett have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **The BOC Group plc, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, the said improvements, and the said application, all applications derived therefrom and all continuing prosecution applications, conversions, divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent or Inventor's Certificates which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent or Inventor's Certificates which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **The BOC Group plc**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.**

I/WE HEREBY covenant that I/We have full right to convey the entire interest herein assigned, and that I/WE have not executed, and will not execute, any agreement in conflict herewith.

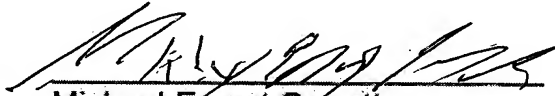
AND I/WE HEREBY further covenant and agree that I/We will communicate to the said **The BOC Group plc**, its successors, legal representatives and assigns, any facts known to me/us respecting said invention and said improvements, and testify in any legal proceeding, sign all lawful papers, execute all continuing prosecution, divisional, continuing, reexamination and reissue applications, make all rightful oaths, and generally do everything possible to aid the said **The BOC Group plc**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said inventions and improvements in all countries.

Date

Assignor

Witnessed By:

4th February 2005


Michael Ernest Garrett

Richard Wickham

At: Windleham,

United Kingdom